

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**SHAWN SMITH and  
JUSTIN COTTEN,**

## Defendants.

**8:20CR163**

## ORDER

This matter is before the court on the defendant, Justin Cotten's unopposed Motion to Continue Trial [28]. Counsel has just been retained to represent the Defendant and needs additional time to prepare for trial. For good cause shown,

**IT IS ORDERED** that the Motion to Continue Trial [28] is granted, as follows:

1. The jury trial, **for both defendants**, now set for October 13, 2020, is continued to **November 17, 2020**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendants in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and November 17, 2020**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(6), (7)(A) & (B)(iv).

**DATED: October 6, 2020.**

**BY THE COURT:**

**s/ Michael D. Nelson**  
**United States Magistrate Judge**